

**RESPONSE TO THE EXAMINING AUTHORITY'S FIRST ROUND OF WRITTEN QUESTIONS**

**In response to the Examining Authority's First Written Questions, please find below the comments of SABIC UK Petrochemicals Limited (SABIC)**

wqRef	Addressed to	Question	SABIC Response
<b>GENERAL AND CROSS-TOPIC QUESTIONS</b>			
GEN.1.21	Applicants  All IPs	<p>Paragraphs 4.2.11-4.2.20 of the Planning Statement [APP-070] discuss whether the DCO Application should be determined under s104 of the Planning Act 2008 (PA2008), s105 of PA2008 or both. It concludes at paragraph 4.2.20 that the Proposed Development should be determined under s104 for a number of reasons.</p> <p>Reference is made to the Secretary of State's (SoS's) decision in respect of the Wheelabrator Kemsley K3 Generating Station ('WK3') and Wheelabrator Kemsley North Waste-to-Energy Facility ('WKN') Order (PINS Ref. EN010083). The case was subsequently considered by the High Court under the reference: EFW Group Ltd v Secretary of State for Business, Energy and Industrial Strategy [2021] EWHC 2697 (Admin).</p> <p>i) The Applicants are asked to comment on the High Court judgment and whether or not it changes their position in respect of the current application.</p> <p>ii) With reference to any other documents which may have relevance to this matter since submission of the application (including consultation drafts of the National Policy Statements (NPSs), do the Applicants consider that their comments in section 4.2 continue to apply to the Specified Elements of the Proposed Development, notably the CO2 gathering network (Work no. 6), or is there any change the ExA needs to be aware of?</p>	SABIC has no comments.

		IPs are also invited to comment.	
<b>BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT</b>			
BIO.1.2	Applicants IPs	Table 12.3 of the ES [APP-094] summarises the ecological field surveys completed, with further detail provided in Appendix 12 C [APP-301 to APP-304].  Are the Applicants and IPs content that all terrestrial ecology surveys remain valid given their age?	SABIC has no comments.
BIO.1.5	Applicants IPs	Paragraph 13.3.29 of the ES [APP-095] states that for some waterbodies scoped into the assessment no detailed surveys could be undertaken as access was not available, but assessments were undertaken based on habitats and comparable waterbodies and the potential for works to affect the ponds.  The Applicants are asked to explain why this alternative approach was acceptable. IPs are asked to comment on this alternative approach.	SABIC has no comments.
BIO.1.16	Applicants IPs	It is stated in the Landscape and Biodiversity Strategy [APP-079] (paragraph 4.8.1) that habitats that would be temporarily lost or damaged during construction would be reinstated on a like-for-like basis in accordance with the requirements of the relevant landowner.  Should this be secured through the dDCO? Does specifying the need to do this through the final CEMP address it adequately? IPs are also invited to respond to this question.	SABIC has no comments.
BIO.1.33	IPs	The ExA notes that the MMO has queried why the Tees South Bank Quarry has not been included in Table 24-12 of ES Chapter 24: Cumulative and Combined Effects.  Do IPs consider that any other developments should be considered in the marine ecology assessment of cumulative and combined effects and if so why?	SABIC has no comments.

<b>COMPULSORY ACQUISITION AND TEMPORARY POSSESSION</b>			
CA.1.1	Affected Persons (APs)	Are any APs aware of any inaccuracies in the Book of Reference (BoR) [AS-139], Statement of Reasons (SoR) [AS-141] or Land Plans [AS-146]? If so, please set out what these are and provide the correct details.	Not as far as SABIC is aware.
CA.1.7	All Affected Persons (APs)	<p>A number of RRs and Additional Submissions (ASs) [including but not limited to RR-001, RR-010, RR-012, RR-013, RR-014, RR-016, RR-017, RR-018, RR-019, RR-021, RR-022, RR-028, RR-030, RR-031, RR-032, RR-033, RR-034, RR-038 and AS-046] set out comments in relation to CA and TP.</p> <p>Over and above what has already been submitted in the RR's, are any APs aware of:</p> <p style="padding-left: 40px;">i) any reasonable alternatives to any CA or TP sought by the Applicant; or</p> <p style="padding-left: 40px;">ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed?</p>	<p>i) SABIC has no further comments to those comments made in its Relevant and Written Representations.</p> <p>ii) SABIC has no further comments.</p>
CA.1.8	<p>Air Products (Chemicals) Teesside Ltd</p> <p>Anglo American Woodsmith Limited</p> <p>CATS North Sea Ltd</p> <p>CF Fertilisers UK Ltd</p> <p>Exolum Seal Sands Ltd</p>	<p>A number of APs in their RRs and ASs [including but not limited to RR-001, RR-010, RR-012, RR-013, RR-014, RR-016, RR-017, RR-018, RR-019, RR-021, RR-022, RR-028, RR-030, RR-031, RR-032, RR-033, RR-034, RR-038 and AS-046] set out comments in relation to CA and TP however in numerous instances it is unclear where their operations or rights are located.</p> <p>Please could the APs listed and any others who have commented:</p> <p style="padding-left: 40px;">i) supply a plan, overlaid with the NZT Order land, showing the location of their operations and plots affected; and</p> <p style="padding-left: 40px;">ii) where possible, identify the general use of each affected plot.</p>	In response to i) and ii) SABIC has appended a plan to its Written Representation which delineates its pipeline on the land plans provided by the Applicant.

	<p><b>Huntsman Polyurethanes (UK) Ltd</b></p> <p>Ineos Nitriles (UK) Ltd</p> <p>Ineos UK SNS Ltd</p> <p>North Tees Land Ltd (and North Tees Ltd and North Tees Rail Ltd)</p> <p>National Grid Electricity Transmission plc</p> <p>National Grid Gas plc</p> <p>Northern Powergrid (Northeast) plc</p> <p>Northumbrian Water Limited (NWL)</p> <p>NPL Waste Management Ltd</p> <p>PD Teesport Ltd</p> <p>Redcar Bulk Terminal Ltd</p> <p>SABIC</p> <p>Sembcorp Utilities (UK) Ltd</p>		
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CA.1.24	All APs	Do any APs have any concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?	SABIC has outlined its concerns in its Written Representation submitted at Deadline 2.
<b>PLANNING POLICY AND LEGISLATION</b>			
PPL.1.9	RCBC STBC All IPs	<p>Section 3 of the Project Need Statement [APP-069] refers to the UK energy and climate change policy.</p> <p>i) Do you have any observations on the Applicants' analysis of energy and climate change policy?</p> <p>ii) Do you have any comments relating to other new documents or updates or changes to relevant Government Policy or Guidance on climate change which is relevant to the determination of this application that has been published since submission?</p>	SABIC has no comments.